

*These notes relate to the Legal Profession and Legal Aid
(Scotland) Act (asp 5) which received Royal Assent on 19 January
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LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT (ASP 5) WHICH RECEIVED ROYAL ASSENT ON 19 JANUARY 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Conduct Complaints: Other Matters

Section 51: Powers in relation to documents and information from third parties

96. **Section 51** allows a professional organisation to apply for a court order where a person who is a third party and not a party to the complaint in question refuses or fails to produce documents or information which the professional organisation has requested.
97. Subsection (3) extends to relevant professional organisations the same powers that the Commission has in sections 19(3) to (7) to seek a court order in similar circumstances. Such an order will only be granted where the court considers that the material is relevant to the investigation or report concerned and disclosure would be in the public interest. The law of legal professional privilege is left unaltered and will continue to apply, so a third party lawyer will not be forced to disclose confidential communications with a client unless that client consents.